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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,570	12/09/2004	James J Steed	20005.091	2684
7590 12/13/2007				
Christopher J Fildes		EXAMINER		
Fildes & Outland		KOEHLER, CHRISTOPHER M		
Suite 2				
20916 Mack Avenue		ART UNIT PAPER NUMBER		
Grosse Pointe Woods, MI 48236		3726		
		MAIL DATE DELIVERY MODE		
		12/13/2007 PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/517,570	STEED ET AL.	
	Examiner	Art Unit	
	Christopher M. Koehler	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/27/06, 4/21/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-8 in the reply filed on 9/13/2007 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US Patent No. 6,324,880).

#### *Claim 1:*

Nakamura teaches a portable hemming apparatus (figures 1 and 2) for edge hemming nested metal panels (figure 4), the hemming apparatus comprising a support structure (flooring surface); a plurality of modular self-contained hemmers (27a-f, 27 generally; figure 1) disposed about the support structure, each hemmer being cooperatively operable to effect a hem in nested metal panels; a corresponding plurality of hemmer operators (45, each hemmer has one) operatively connected to the modular hemmers; and at least one drive (29 generally) mounted on the support structure drivingly connected with the operator to move the operator whereby actuation of the drive causes each hemmer to hem an edge portion of the nested metal panels.

#### *Claim 2:*

Nakamura teaches that each self-contained hemmer (27) includes a hem die (35), a hem die holder (between 35 and 34) supporting the hem die and a hem punch (37 and 41).

Claim 3:

Nakamura teaches that each operator is connected to a lever arm assembly (41, 57, 37; via connection at 51).

Claim 6:

Nakamura teaches that the support structure (floor) is mounted to a robot arm (drive member 29).

Claim 8:

Nakamura teaches that the support structure (floor) is mounted to a pedestal stand (figures 6 and 7).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura.

Claims 4 and 5:

Nakamura teaches a robot (29) that acts to drive the hemmers but does not explicitly teach how the robot is powered, specifically that the robot is powered by a

pneumatic air spring. The examiner takes official notice that it is well known in the art of robotic actuators to utilize a plurality of power systems including air springs. It would have been obvious to one of ordinary skill in the art at the time of invention to power the drive of Nakamura with pneumatic air springs because compressed air is readily and economically renewable as a source of power for machine tools.

Claim 7:

Nakamura teaches the invention cited with the exception of a tool balancer. At the time of invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used a tool balancer because applicant has not disclosed that this way of mounting provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to work equally well with either the robot arm or pedestal stand as taught by Nakamura or the claimed tool balancer because either mount performs the same function of supporting the hemmer equally well. Therefore, it would have been an obvious matter of design choice to modify Nakamura to obtain the invention specified in this claim.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

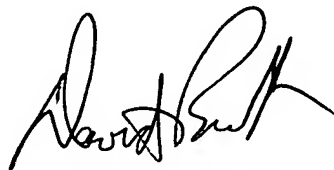
Application/Control Number:  
10/517,570  
Art Unit: 3726

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK



DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

12/6/07